

# Waikato District Council Reserves and Beaches Bylaw 2016

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and the Reserves Act 1977, their respective amendments, and all other relevant powers, hereby makes the following bylaw.

## 1. Short title, commencement and application

- 1.1. The bylaw shall be known as the 'Waikato District Council Reserves and Beaches Bylaw 2016'.
- 1.2. The bylaw shall apply to the Waikato District, with the exception of the Taitua Arboretum and Hamilton Zoo which are controlled and administered by the Hamilton City Council.
- 1.3. Where there is a conflict between policies contained within Reserve Management Plans and the bylaw, the bylaw will take precedent.
- 1.4. The bylaw shall come into force on 1 September 2016.

## 2. Revocation

- 2.1. The following bylaws are hereby revoked from the day this new bylaw comes into force: 'Waikato District Council Reserves and Beaches Bylaw 2008' and 'Franklin District Council Beach Control Bylaw 2006'.

## 3. Definitions

- 3.1. For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent with the context:

<b>Approved</b>	means approved by the Council or by any officer of the Council appointed or authorised for the purpose.
<b>Authorised Officer</b>	means any person appointed by the Council to act on its behalf and with its authority.
<b>Beach</b>	means any land adjacent to any sea, coast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the local authority and is contiguous to the foreshore and used in connection therewith, and, where the control of the foreshore and dunes is vested in the Council, includes the foreshore and dunes.
<b>Council</b>	means the Waikato District Council.
<b>Foreshore</b>	means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.
<b>Person</b>	includes a natural person, corporation and any body of persons, whether incorporated or not.
<b>Reserve</b>	means any open space, plantation, park, garden, beach, wharf, jetty, ground, track or land set apart for public recreation, enjoyment, conservation, beautification, education, or research, and under the

**Vehicle** management or control of the Council.  
means any motorised vehicle, motorcycle, , trailer, skateboard or any other contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.

#### **4. Prohibited and Restricted Activities on Reserves**

##### **4.1. Miscellaneous**

- a) No person shall interfere with or disturb, destroy, remove or damage any plants, soil, stones, signs, articles or buildings on any reserve, or plant any plants or trees on any reserve except with the prior written permission of the Council.
- b) No person shall light or cause to remain alight, any fire within any reserve except for a gas barbecue, or with the prior written permission of the Council.
- c) No person shall build or place any buildings or structures of any kind, including but not limited to stalls, tents, or amusement devices, on any reserve and allow those buildings or structures to remain in place overnight, except with the prior written permission of the Council. Freedom camping must occur in accordance with the Council's Freedom Camping Bylaw.
- d) No person shall hunt, injure or kill any animal or interfere with birds, nests and eggs on a reserve provided this clause shall not apply to fishing.

##### **4.2. Litter and Pollution**

- a) No person shall place, store or leave any rubbish, trade waste, rubble or debris, or other offensive or dangerous matter on any reserve.
- b) No person shall discharge any offensive or dangerous matter or cause pollution within any reserve or any stream, dam, pond, or fountain therein.

##### **4.3. Interference with Enjoyment**

- a) No person shall obstruct, disturb, or annoy any person or interfere with any other person in the use or enjoyment of any reserve, or use abusive or obscene language, or be noisy or riotous, or in any way misbehave. Persons who are potentially impaired from the consumption of either drugs or alcohol will not be permitted on reserves.

##### **4.4. Animals**

- a) With the exception of disability assist dogs, no person shall bring onto a reserve any dog or allow any dog to be within the area of a reserve other than in accordance with the Council's Dog Control Bylaw 2015 and any subsequent amendments or substitute.
- b) No person shall lead or ride any horse or other animal on any area of a reserve except on those areas set aside specifically for such purpose, or with the prior written permission of the Council.
- c) No person shall cause or allow any animal to escape onto a reserve.

##### **4.5. Vehicles**

- a) Except in the case of an emergency, or with the prior written permission of the Council, no person shall drive, ride, or wheel or park any vehicle on a beach. This restriction does not apply to any person driving a vehicle by a direct route at a speed not exceeding 10km/h on a beach where vehicular access is permitted, to deposit or retrieve a boat in the water. Every vehicle shall be removed from the beach immediately upon retrieval or depositing of the boat. This clause does not apply to emergency vehicles, police vehicles, central government vehicles and Council vehicles or cases whereby properties can only be accessed via the beach, or where the beach is a legal road.
- b) Where the Council has authorised the driving or riding of a vehicle on any area of a reserve, the driver or rider of such a vehicle shall drive or ride the vehicle at a speed not exceeding 10km/h and in a manner that does not endanger or cause inconvenience to any person in the reserve area, or damage the reserve.
- c) No person shall park or store any vehicle, boat, vessel or article on a reserve on a periodic, regular or continuous basis except with the prior written permission of the Council, provided that this clause shall not apply to life guard boats or other articles used for life saving purposes.
- d) Where the Council has authorised the driving or riding of a vehicle on any area of a beach, the driver or rider of such a vehicle shall be prohibited from accessing dunes.

#### 4.6. Firearms and other Dangerous Articles

- a) No person shall take, carry or use any firearm, air gun, axe, bow and arrow, catapult, or other weapon or dangerous device on a reserve, except with the prior written permission of the Council.
- b) No person shall hit golf balls on reserves.
- c) Any authorised officer may seize any weapon or dangerous article from any person who takes or carries such weapon or dangerous article on a reserve.

#### 4.7. Commercial Activities

- a) No person shall sell or offer for sale any article of food or kind of drink or refreshment or carry on any trade on a reserve, except with the prior written permission of the Council.
- b) No person shall operate a commercial business on any reserve except with the prior written permission of the Council.

### 5. Special Conditions for Beaches, Foreshores and Wharves

- 5.1. No person shall interfere, remove, destroy or damage any sign, navigation structure or aid, or any lifebuoy or lifesaving apparatus erected or maintained on the beach or on any wharf, jetty or landing place thereon.
- 5.2. No person shall interfere or remove any portion of any protective works or other structures erected on the foreshore for the control of sand or shingle or for the prevention of erosion.
- 5.3. The Council may close off access to any beach or any portion thereof, when required for health and safety purposes.

### 6. Closing of Reserves

- 6.1. If for any reason the Council requires a reserve to be temporarily closed, the Council may by public notification declare a particular reserve to be closed to the public during the period or periods specified in the public notice.

## **7. Charges for Special Events on Reserves**

- 7.1. In accordance with the Reserves Act 1977, the Council may close all or any portion or portions of any reserve for particular games, events or other recreational activities during such time as it sees fit, and may fix charges for the right to use such portions as are open to the public.
- 7.2. Any person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge commits an offence against this part of this bylaw.

## **8. Conditions of Use**

- 8.1. Where the Council has given permission to carry out certain activities on the reserve, whether by way of issuing a license or otherwise, such use shall be carried out in accordance with any conditions the Council may impose

## **9. Setting aside of Areas of Reserves**

- 9.1. If the Council considers it desirable and beneficial for the convenience, recreation and enjoyment of the public to set aside certain areas of a reserve for activities otherwise restricted in this bylaw, the Council may from time to time set aside such areas.

## **10. Offences**

- 10.1. Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw. Any person who, in the opinion of an authorised officer, commits a breach of any of the provisions of this Bylaw shall, if requested by an authorised officer, supply his/her full name and address. Any person who does not comply will be in breach of this bylaw and subject to prosecution.

## **11. Enforcement of this Bylaw**

### **11.1. Prosecutions**

- a) Any person who commits an offence under this bylaw shall be liable to be prosecuted.

### **11.2. Additional Enforcement Measures**

- a) If in the opinion of an authorised officer the behavior or actions of any person in a reserve may endanger the public or animals, or may cause damage in the reserve, the authorised officer may request that person to desist from such behavior. Any refusal to comply with the request is an offence against this bylaw, and the authorised officer may require that person to leave the reserve immediately.
- b) Any vehicles, boats or articles which are in a reserve in breach of this bylaw, may be removed by any Council officer or Police officer and impounded at the expense of the driver or owner.

- c) The Council may remove any structure or article that has been placed or built on a reserve in breach of this bylaw, and may recover the costs of removal from the person who committed the breach.

### 11.3. Police Assistance

- a) This bylaw authorises any member of the New Zealand Police to assist an authorised officer in the performance of the above additional enforcement measures.

## 12. Penalties

- 12.1. Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00

This bylaw was made pursuant to a resolution passed by the Waikato District Council on the 11<sup>th</sup> day of July 2016.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

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Mayor

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Chief Executive